

---

## Eric W. Cernyar, P.C.

ATTORNEY AT LAW & REGISTERED PATENT ATTORNEY

---

E-mail: [ecernyar@satx.rr.com](mailto:ecernyar@satx.rr.com)

10401 Fox Hollow  
San Antonio, TX 78217

Telephone: (210) 863-0063  
Facsimile: (210) 255-6969

### FAX COVER SHEET

**RECEIVED**  
**CENTRAL FAX CENTER**

**JAN 04 2005**

**DATE:** January 4, 2005  
**TO:** Commissioner for Patents  
**FROM:** Eric Cernyar, Reg. No. 45,919  
**RE:** 09/545,336 - RESPONSE TO OFFICE ACTION  
**FAX #:** 703-872-9306

No of pages (including this cover sheet): 11

Re: Applicant: David M. Tumey  
Serial No.: 09/545,336  
Filed: 4/7/2000  
Examiner: Jingee Wu  
Art Unit: 2623  
Title: Facial Image Verification Utilizing Smart-Card  
With Integrated Video Camera  
Our File No.: 062916.004

Enclosed please find:

1. Transmittal Form w/ Certificate of Transmission;
2. Response to October 4, 2004, Office Action.

Respectfully submitted,  
/s/ Eric Cernyar, Reg. No. 45,919

PTO/SB/21 (09-04)

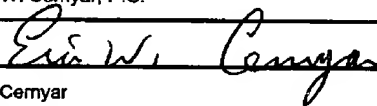
Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

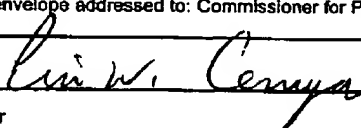
<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/545,336
	Filing Date	4/7/2000
	First Named Inventor	David M. Turney
	Art Unit	2623
	Examiner Name	Jingee Wu
	Attorney Docket Number	062916.004
Total Number of Pages in This Submission		

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks <span style="border: 1px solid black; display: inline-block; width: 150px; height: 1.2em; vertical-align: middle;"></span>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Eric W. Cernyar, P.C.		
Signature			
Printed name	Eric Cernyar		
Date	Jan. 4, 2005	Reg. No.	45,919

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Eric W. Cernyar	Date	Jan. 4, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Appl. No. : 09/545,336 Confirmation No.: 9586  
Applicants : David M. Tumey, Tianning Xu, Craig M. Arndt  
Filed : 04/07/2000  
Title : Facial Image Verification Utilizing Smart-Card With Integrated  
Video Camera  
TC/A.U. : 2623  
Examiner : Ryan Hesseltine  
Docket No. : 062916.004

**RECEIVED  
CENTRAL FAX CENTER**

**JAN 04 2005**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOVEMBER 4, 2004, OFFICE ACTION**

Sir:

Please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims, which begin on page 2 of this paper.

**Remarks/Arguments** begin on page 7 of this paper.